



*JP 3634*

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Jerry E. Mann

Serial No.: 08/843,162

Group Art Unit: 3634

Filed: April 11, 1997

Examiner: Chin Shue, A.

For: APPARATUS FOR A  
RECLINING AND RETRACTABLE SLING  
SEAT FOR A PORTABLE TREE STAND

Attorney Docket No. 515-001

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

S I R:

Submitted herewith is:

1. Petition for Withdrawal of Abandonment; and
2. Declaration in Support of Petition.

Respectfully submitted,

*David M. Hill*

David M. Hill  
Reg. No. 46,170  
WARD & OLIVO  
708 Third Avenue  
New York, NY 10017  
(212) 697-6262

Date: June 8, 2006

**CERTIFICATE UNDER 37 C.F.R. '1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Honorable Commissioner for Patents, Alexandria, VA 22313-1450, on the date indicated below.

David M. Hill  
(Name)

*David M. Hill*  
(Signature)

46,170  
(Reg. No.)

06/08/06  
(Date)



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Jerry E. Mann

Serial No.: 08/843,162

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Filed: April 11, 1997

Examiner: Chin Shue, A.

For: APPARATUS FOR A RECLINING AND  
RETRACTABLE SLING SEAT FOR A  
PORTABLE TREE STAND

Attorney Docket No. 515-001

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING  
OF ABANDONMENT UNDER 37 C.F.R. 1.81**

S I R:

Applicant respectfully requests that the above-referenced application, improperly abandoned by the Patent and Trademark Office pursuant to a Notice of Abandonment dated October 28, 2005, be revived for the reasons stated in the attached Declaration Attesting to Mailing of Patent Office Correspondence by the undersigned attorney. No fee is required as the abandonment was not the result of any error by the Applicant.

Respectfully submitted,

Date: June 8, 2006

David M. Hill  
Reg. No. 46,170  
WARD & OLIVO  
708 Third Avenue  
New York, New York 10017  
(212) 697-6262



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Examiner: Chin Shue, A.

For: APPARATUS FOR A RECLINING AND RETRACTABLE SLING SEAT FOR A PORTABLE TREE STAND Attorney Docket No. 515-001

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION ATTESTING TO MAILING OF PATENT  
OFFICE CORRESPONDENCE UNDER 37 C.F.R. § 1.8(a)**

I, David M. Hill, hereby declare as follows:

(1) On September 19, 2005, an Amendment and Response to the Office Action dated March 18, 2005 was timely filed together with a Petition for Three (3) Month Extension of Time Under 37 C.F.R. § 1.136(a), a check in the amount of \$510 to cover such extension, a Return Postcard, and Transmittal, including the Certificate of Mailing under 37 C.F.R. § 1.8(a). True and correct copies are attached hereto as Exhibit A.

(2) The Amendment and Response, Transmittal, Petition for Three (3) Month Extension of Time, and check were received by the Patent Office as evidenced by the date-stamped return receipt postcard. A true and correct copy of the date-stamped postcard is attached hereto as Exhibit B.

(3) On October 28, 2005, a Notice of Abandonment for allegedly failing to timely fail

a proper reply to the March 18, 2005 Office Action was mailed. A copy of the Notice of Abandonment is attached hereto as Exhibit C.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: June 8, 2006

Respectfully submitted,



---

David M. Hill  
Reg. No. 46,170  
WARD & OLIVO  
708 Third Avenue  
New York, New York 10017  
(212) 697-6262

In re application of: Mann

Serial No.: 08/843,162

Filing Date: April 11, 1997

For: APPARATUS FOR RECLINING AND  
RETRACTABLE SLING SEAT FOR A  
PORTABLE TREE STAND

Submitted:

1. Transmittal;
2. Amendment and Response;
3. Petition for three (3) month extension; and
4. A check in the amount of \$510.

Atty. Doc. No.: 515-001

Dated: September 19, 2005

WARD AND OLIVO

708 3RD AVE  
NEW YORK, NY 10017

1591

55-33/212

DATE 9/19/05

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ORDER OF

Commissioner for Patents

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Application of: Jerry E. Mann

Serial No.: 08/843,162

Group Art Unit: 3634

Filed: April 11, 1997

Examiner: Alvin C. Chin Shue

For: APPARATUS FOR A RECLINING AND RETRACTABLE SLING SEAT FOR A PORTABLE TREE STAND      Atty. Doc. No.: 515-001

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

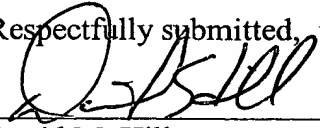
S I R:

Submitted herewith is:

1. Amendment and Response;
  2. A Petition for a three (3) month extension of time; and
  3. A check in the amount of \$510 to cover the extension of time.
- Please charge any fee deficiency to Ward & Olivo Deposit Account No. 23-0420. A copy of this sheet is attached.

Date: September 19, 2005

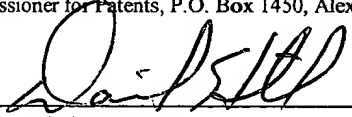
Respectfully submitted,

  
\_\_\_\_\_  
David M. Hill  
Reg. No. 46,170  
WARD & OLIVO  
708 Third Avenue  
New York, New York 10017  
(212) 697-6262

**CERTIFICATE UNDER 37 C.F.R. '1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Honorable Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

David M. Hill  
(Name)

  
(Signature)

46,170  
(Reg. No.)

09/19/2005  
(Date)

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Application of: Jerry E. Mann

Serial No.: 08/843,162

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Examiner: Alvin C. Chin Shue

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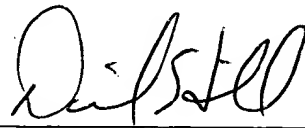
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR EXTENSION OF TIME UNDER  
37 C.F.R. SECTION 1.136(a)**

SIR:

It is respectfully requested that the time for filing a response to the Office Action dated March 18, 2005, be extended for a period of THREE (3) months from June 18, 2005 to and including September 19, 2005.

Respectfully submitted,



Dated: September 19, 2005

David M. Hill  
Reg. No. 46,170  
WARD & OLIVO  
708 Third Avenue  
New York, New York 10017  
(212) 697-6262



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Jerry E. Mann

Serial No.: 08/843,162

Group Art Unit: 3634

Filed: April 11, 1997

Examiner: Chin Shue, A.

For: APPARATUS FOR A RECLINING AND Retractable Slings  
RETRACTABLE SLING SEAT FOR A PORTABLE TREE STAND  
Attorney Docket No. 515-001

Honorable Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

**AMENDMENT & RESPONSE**

SIR:

In response to the March 18, 2005, Office Action in the above-identified case,  
applicant respectfully requests reconsideration in view of the following amendments and  
remarks:

**IN THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in this application:

1. - 32. (Canceled)

--33. (Amended) A recliner seat of the type to be used in conjunction with existing tree stand support systems, said recliner seat comprising:

a rectangular support frame including upper and lower members;

a plurality of fittings positioned on said support frame; and

a substantially rectangular sling seat including flexible elements extending

from its upper and lower corners;

wherein said upper and lower members are configured for connecting said

recliner seat with an existing tree stand support system; and

wherein said plurality of fittings on said support frame are configured for removably attaching said flexible elements of said sling seat.

34. (Previously Presented) A recliner seat according to claim 33, wherein said sling seat comprises flexible material.

35. (Previously Presented) A recliner seat according to claim 33, wherein said rectangular support frame is of a tubular type material capable of supporting the weight of a user, wherein said support frame comprises means for securing a plurality of said fittings to upper corners of said upper member of said support frame and means for securing a plurality of said fittings to said lower member of said support frame to enable said fittings to engage said rectangular sling seat.

36. (Previously Presented) A recliner seat according to claim 33, wherein said sling seat is positioned inside of said rectangular support frame.

37. (Previously Presented) A recliner seat according to claim 33, wherein said fittings on said lower member of said support frame each have a plurality of positions for supporting said flexible elements extending from said lower corners of said sling seat such that a plurality of seating configurations may be chosen by a user.

38. (Cancelled)

39. (Amended) A recliner seat according to claim 37, wherein said rectangular sling seat contains means for attaching ~~is capable of attachment~~ and detaching ~~detachment~~ to said fittings on said lower member of said rectangular support frame allowing said user to sit in a plurality of positions and allowing said sling seat to be removed from said fittings on said lower member for standing on said existing tree stand support systems.

40. (Previously Presented) A recliner seat according to claim 34, wherein said material is of the type capable of supporting a user.

41. (Previously Presented) A recliner seat according to claim 33, wherein said rectangular support frame further comprises means for attaching said lower member of said support frame to said existing tree stand support system.

42. (Cancelled)

43. (Previously Presented) A recliner seat according to claim 33, wherein said flexible elements comprise knobs.

44. - 49. (Cancelled)

50. (Amended) A recliner seat of the type to be used in conjunction with existing tree stand support systems, said seat comprising:

a flexible sling seat including attachment elements extending from its upper and lower corners;

at least one upper frame member comprising a plurality of fittings for securing said upper corners of said sling seat; and

at least one lower frame member comprising a plurality of fittings for securing said lower corners of said sling seat;

wherein said upper and lower members are configured for connection with an existing tree stand support system; and

wherein at least one of said upper and lower corners of said sling seat are removably attached to said plurality of fittings on one of said upper and lower frame members by said attachment elements.

51. (Previously Presented) A recliner seat according to claim 50, wherein said fittings are configured such that said sling seat may be positioned in a plurality of configurations while said attachment elements are engaged with said fittings.

52. (Cancelled)

53. (Previously Presented) A recliner seat according to claim 50, wherein said lower member comprises means for attaching said support frame to said existing tree stand support systems.

54. (Amended) A recliner seat according to claim 50, wherein said flexible sling seat contains means for attaching ~~is capable of attachment and detaching detachment to~~ said fittings on at least said lower member of said rectangular support frame allowing a user to sit in a plurality of positions and allowing said sling seat to be removed from said fittings on said lower member for standing on said existing tree stand support systems.

55. (Previously Presented) A recliner seat according to claim 50, wherein said sling seat comprises a material capable of supporting a user.

56. - 57. (Cancelled)

58. (Previously Presented) A recliner seat according to claim 50, wherein said attachment elements comprise knobs.

59. - 62. (Cancelled)

63. (Previously Presented) A recliner seat according to claim 50, wherein said fittings on said lower member each comprises a plurality of positions for supporting said attachment elements extending from said lower corners of said sling seat such that a plurality of seating configurations may be chosen by the user.

64. (Previously Presented) A recliner seat according to claim 50, wherein at least one of said lower members is affixed to said tree stand support system.

65. (Previously Presented) A recliner seat according to claim 1, wherein said rectangular support frame lower is collapsible for ease of transport and storage.

66. (Previously Presented) A recliner seat according to claim 43, wherein said knobs on said upper flexible elements are positioned such that said knobs engage said fittings on said upper member of said support frame, and wherein said knobs on said lower flexible elements are positioned such that said knobs engage said fittings on said lower member of said support frame.

67. (Previously Presented) A recliner seat according to claim 58, wherein said knobs on said upper attachment elements are positioned such that said knobs engage said fittings on said upper members, and wherein said knobs on said lower attachment elements are positioned such that said knobs engage said fittings on said lower members.

## **REMARKS**

Applicant has carefully considered the Examiner's rejections in the Office Action dated March 18, 2005, and respectfully requests reconsideration based upon the manifest differences between the present invention and the cited references.

### **I. THE INVENTION**

The present invention is a recliner seat for use in conjunction with conventional hunting tree stand support systems, wherein the seat comprises a rectangular support frame including upper and lower members, a plurality of fittings positioned on the support frame, and a rectangular sling seat including flexible elements extending from its upper and lower corners, where the plurality of fittings on the support frame are configured for removably attaching the flexible elements of the sling seat. The present invention allows for increased adaptability for the user through multiple positioning with simple manipulation of its flexible detachable elements "therein allowing for complete retraction and thus the user's complete access to the entire platform." As claimed, the present invention is very different from the conventional tree stands and seats therefor.

### **II. THE EXAMINER'S OBJECTIONS AND REJECTIONS**

The Examiner rejected claims 39, 52, 54, 56, 57 and 64 under 35 U.S.C. § 112 as "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention."

The Examiner also rejected claims 33-37, 39-40, 43, 50-52, 54-57 and 60 under 35 U.S.C. § 102 (b) as being anticipated by Geier U.S. Patent No. 3,165,356 (Geier). In



the opinion of the Examiner, "Geier shows a plurality of fittings at 47, 44 flexible elements 43."

Lastly, the Examiner rejected claims 33-37, 40-41, 50-55 and 63-64 under 35 U.S.C. § 103 (a) as being unpatentable over Davis in view of Morris U.S. Patent No. 3,321,780 (Morris). According to the Examiner, "Davis shows the claimed seat with the exception of the plurality of fittings and flexible elements" and "Morris shows of fittings 21, 26 for attaching flexible elements 27 of as flexible body support to a U-shaped (14) portion of a support frame."

### **III. THE EXAMINER'S REJECTIONS SHOULD BE RECONSIDERED AND WITHDRAWN**

As indicated above, in the March 18, 2005 Office Action, the Examiner rejected claims 39, 52, 54, 56-57 and 64 under 35 U.S.C. § 112 as "indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.". Accordingly, Claims 39 and 54 have been amended to clarify the claimed invention, and Claims 52 and 56-57 were previously withdrawn from consideration. However, regarding Claim 64, the Examiner rejected this claim as claiming both tree stand and recliner seat limitations. The applicant respectfully disagrees, as this claim is directed to a recliner seat for use with a tree stand, and not a tree stand itself. The claim simply states that the recliner seat includes "at least one of said lower members is affixed to said tree stand." Applicant respectfully requests that these rejections be reconsidered and withdrawn.

Next, Claims 33-37, 39-40, 43, 50-52, 54-57 and 60 stand rejected under 35

U.S.C. § 102 (b) as being anticipated by Geier. Applicant respectfully disagrees. It is black letter law that for a reference to be anticipatory, it must teach each and every claimed limitation of the invention -- Geier falls far short of this requirement.

Briefly, Geier discloses a body support for use in space vehicles to provide support and comfort to a person in a seated or lying position who is subjected to large acceleration or deceleration forces. According to Geier, the support comprises a "webbing 11 of cross-woven flexible cords attached about [the support's] periphery to a rigid framework in a manner whereby the webbing is held by the frame in a taut spread condition." (Col. 3, lns. 13-16) This is very different from the present invention as claimed. Indeed, the claimed invention is directed at a "tree stand recliner seat" comprising "a rectangular support frame including upper and lower members; a plurality of fittings positioned on said support frame; and a substantially rectangular sling seat including flexible elements extending from its upper and lower corners; wherein said upper and lower members are configured for connecting said recliner seat with an existing tree stand support system; and wherein said plurality of fittings on said support frame are configured for removably attaching said flexible elements of said sling seat."

First, nowhere in Geier teach or disclose anything like a recliner seat for use in connection with a tree stand support system. Second, Geier fails to disclose or teach a recliner seat having a support frame configured for connection to an existing tree stand support system. Rather, the support and restraint means taught by Geier is specially designed for incorporation into a vehicle that is capable of generating significant "G" forces on a passenger. Nothing in Geier suggests that such a design may be configured for use in conjunction with a tree stand, or anything like it. Third, nowhere does Geier

suggest or disclose a recliner seat for use with existing tree stand support systems where the support frame is configured for removably attaching a sling seat to allow the user (i.e., a hunter on a tree stand) to quickly and quietly remove the sling seat in order to provide more room for standing, and conversely easily replace the sling seat in order to sit down again while he waits. Nothing in Geier even comes close to suggesting such a recliner seat. Accordingly, the applicant respectfully requests that this rejection be reconsidered and withdrawn.

Next, the Examiner rejected Claims 33-37, 40-41, 50-55 and 63-64 under 35 U.S.C. §103 as being unpatentable over Davis in view of Morris. In the opinion of the examiner, Davis teaches "the claimed seat with the exception of the plurality of fittings and flexible elements", and Morris teaches "fittings 21, 26 for attaching flexible elements 27 of as flexible body support to a U-shaped (14) portion of a support frame". Applicant respectfully disagrees. Neither patent, either alone or in combination, describes or discloses the claimed invention.

As stated in a prior response, Davis discloses a portable tree stand comprising a platform, a supporting frame and brace, and a folding seat member. Once again, the applicant respectfully submits that this is different from the present invention. Nowhere does Davis teach or suggest a removable seat for use with an existing tree stand such that it provides greater ease of maneuverability for a user positioned on the tree stand. Rather, Davis discloses a tree stand platform having a folding seat incorporated therein. Indeed, Davis fails to disclose fittings configured for removably attaching the flexible elements of a sling seat to a support frame that may be used with any existing tree stand platform. In contradistinction, Davis discloses a folding seat, and not a removable seat.

Davis does not teach the fittings or flexible elements as claimed for the removable attachment of the sling seat to the support frame, which enable the present invention to be used with any existing tree stand platform or support system. Turning briefly to Morris, disclosed is merely a conventional "hammock" of the type comprising a bed formed of a woven fabric or canvas, ordinarily suspended between the ends of a unitary frame or stand. Nothing suggests that such a conventional hammock can be used or combined with an existing tree stand support system.

Furthermore, applicant respectfully points out that, standing on their own, the cited references provide no justification for the combination asserted by the Examiner.

"Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so." ACS Hospital Systems Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984).

The cited references provide no such suggestion or incentive for the combination suggested by the Examiner. Initially, applicant disagrees with the Examiner's opinion as to the teachings of both Davis and Morris. As discussed above, Davis discloses a portable tree stand comprising a platform, a supporting frame and brace, and a folding seat member. However, as pointed out previously, Davis fails to teach a removable seat (for use with an existing tree stand) comprising fittings configured for removably attaching the flexible elements of the sling seat to the support frame, and the flexible elements as claimed for the removable attachment of the sling seat to the support frame fittings. Davis merely provides tree stand that has a folding seat affixed thereto (i.e., which is not removably attached to its frame). Further, applicant disagrees that there is any motivation or suggestion to combine Davis' tree stand platform with the hammock of

Morris.

Referring next to Morris, applicant agrees with the Examiner that Morris discloses “fittings 21, 26 for attaching flexible elements 27 of as flexible body support to a U-shaped (14) portion of a support frame”. However, contrary to the Examiner’s suggestion, there would be no motivation for anyone to modify the tree stand platform of Davis with the any teachings from the hammock of Morris. Morris merely teaches a conventional hammock having a hammock bed attached to a frame. But, the seat according to Davis is already foldable, and therefore would not be modified such that the seat is connected to the frame in a manner similar to that of Morris’ hammock bed. In fact, nothing in either Davis or Morris, either alone or in combination, teach or suggest all of the elements of applicant’s claimed invention. Therefore, applicant submits that the rejection of Claims 33-37, 40-41, 50-55 and 63-64 as being unpatentable over Davis in view of Morris is improper and should be reconsidered and withdrawn.

Moreover, the obviousness rejection could only be the result of a hindsight view with the benefit of the applicant’s specification. However,

“To draw on hindsight knowledge of the patented invention, when the prior art does not contain or suggest that knowledge, is to use the invention as a template for its own reconstruction – an illogical and inappropriate process by which to determine patentability. The invention must be viewed not after the blueprint has been drawn by the inventor, but as it would have been perceived in the state of the art that existed at the time the invention was made.”(citations omitted) Sesonics v. Aerosonic Corp., 38 U.S.P.Q. 2d. 1551, 1554 (1996).

In addition, the combination advanced by the Examiner is not legally proper – on reconsideration the Examiner will undoubtedly recognize that such a position is merely an “obvious to try” argument. Both Davis and Morris are unsuitable for use with existing tree stand support systems as taught and claimed by the present invention. Indeed,

nothing in Davis or Morris reveals any functional or design choices that could possibly include all of the applicant's invention. Accordingly, the present invention as claimed is not obvious in view of Davis in combination with Morris. At best it might be obvious to try such a combination. Of course, "obvious to try" is not the standard for obviousness under 35 U.S.C. §103. Hybritech, Inc. v. Monoclonal Antibodies, Inc., 231 U.S.P.Q. 81, 91 (Fed. Cir. 1986).

Under the circumstances, applicant respectfully submits that the Examiner has succumbed to the "strong temptation to rely on hindsight." Orthopedic Equipment Co. v. United States, 702 F.2d 1005, 1012, 217 USPQ 193, 199 (Fed.Cir. 1983):

"It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claim in suit. Monday morning quarterbacking is quite improper when resolving the question of nonobviousness in a court of law." Id.

Applicant submits that the only "motivation" for the Examiner's combination of Davis and Morris is provided by the teachings of applicant's own disclosure. No such motivation is provided by the references themselves.

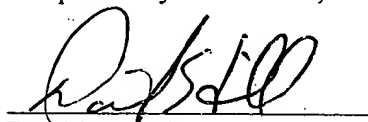
Therefore, as is evidenced by the above remarks, the present invention, for the first time, discloses a recliner seat for use with existing tree stand support systems where the seat includes a support frame with upper and lower members and a plurality of fittings, such that a sling seat can be removably connected to the upper and lower members of the support frame, which is configured for connection to an existing tree stand support system. A system such as this is neither taught nor suggested anywhere in the cited references.

#### IV. CONCLUSION

In view of the foregoing remarks, Applicant submits that the pending claims represent a patentable contribution to the art and are in condition for allowance. Early and favorable action is respectfully requested.

Dated: September 19, 2005

Respectfully submitted,



David M. Hill

Reg. No. 46,170

WARD & OLIVO

708 Third Avenue

New York, New York 10017

(212) 697-6262

In re application of: Mann

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4. A check in the amount of \$510.

Atty. Doc. No.: 515-001

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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 08/843,162   | 04/11/1997  | JERRY E. MANN        | 515-001             | 5994             |
| 7590 10/28/2005  |             |                      | EXAMINER            |                  |
| WARD & OLIVE<br>708 THIRD AVENUE<br>NEW YORK, NY 10017 |             |                      | CHIN SHUE, ALVIN C  |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3634                |                  |

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Notice of Abandonment

Application No.

08/843,162

Examiner

Alvin C. Chin-Shue

Applicant(s)

MANN, JERRY E.

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 18 March 2005.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:



Alvin C. Chin-Shue  
Examiner  
Art Unit: 3634

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.